

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: : CASE NO. 09-10657
SANDRA L MARSHALL : CHAPTER 7
DEBTOR : JUDGE: AUG

SANDRA L MARSHALL : COMPLAINT TO DETERMINE
DISCHARGEABILITY OF DEBT
PLAINTIFF :
VS. :
THE STUDENT LOAN CORPORATION :
C/O CITIBANK (SOUTH DAKOTA) N.A.
PO BOX 6191 :
SIOUX FALLS, SD 57117-6191 :
DEFENDANT

Now comes the Plaintiff, Sandra L. Marshall, by and through counsel, and hereby states as follows:

1. Plaintiff filed a Chapter 7 Petition in Bankruptcy on February 12, 2009, under Case No. 09-10657 in the United States Bankruptcy Court, Southern District of Ohio, Western Division in Cincinnati.

2. This Complaint seeks to determine the dischargeability of the Plaintiff's student loan obligations pursuant to 11 U.S.C. §523(a)(8). This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §157, 1334, and 11 U.S.C. §523. This is a core proceeding under 28 U.S.C. §157(b)(2)(I).

3. The Defendant, The Student Loan Corporation and/or CitiBank (South Dakota) N.A., their predecessors, successors or assigns, upon information and belief, provided the Plaintiff, Sandra L. Marshall, with student loans which, upon information and belief, are guaranteed by a governmental unit under 11 U.S.C. §523(a)(8). The approximate balance owed on these student loans is \$31,616.65.

4. Excepting these student loans from discharge will impose an undue hardship on the debtor and/or her dependents because the debtor cannot maintain a minimal standard of living for herself if forced to repay the loans; that such a state of affairs will persist for a

significant portion of the repayment period of the student loans and the debtor has made good faith efforts to repay the loans.

5. The Plaintiff's husband, Michael A. Marshall, is disabled and only receives Social Security disability as his income. The Plaintiff's husband has a variety of disabilities which require the Plaintiff to assist him in routine daily activities. The Plaintiff's husband does not qualify for need-based government assistance. As a result, the Plaintiff is required to care for her husband and provide him nearly all of his basic needs. This prevents the Plaintiff from earning a meaningful income to repay her student loans. This state of affairs is likely to persist for a significant portion of the repayment period.

WHEREFORE, the Plaintiff requests an Order from this Court declaring the obligations owed to the Defendants, The Student Loan Corporation and/or CitiBank (South Dakota) N.A., their predecessors, successors or assigns, to be discharged pursuant to 11 U.S.C. §523(a)(8), and for any further relief which this Court deems just and equitable.

Respectfully submitted,

/s/ Paul J. Minnillo (#0065744)

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